

REMARKS

Claims 1 through 4 are now pending in the application. Claims 1, 2 and 4 are herein amended. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

It is initially noted that the Form HDP-1449 originally filed with the subject utility application on September 9, 2003 incorrectly identified the Inventor names of two U.S. patents. Item 5 of Form HDP-1449 identified the Inventor name of U.S. patent 3,977,229 as [David] et al., which should be Alvi et al., which therefore corresponds to the reference identified in the subject office action. Item 6 of Form HDP-1449 identified the Inventor name of U.S. patent 6,042,313 as [Klaus] et al., which should be Dehlke. The reference identified in the subject office action is [Dehike], and should therefore be Dehlke. The above was discussed and agreed to between Applicant's representative Thomas Krul and the Examiner in a telephone conversation on October 18, 2005.

A corrected Form HDP-1449 is therefore included herewith for the Examiner's approval. Applicant requests that the Form HDP-1449 filed on September 9, 2003 be canceled.

REJECTION UNDER 35 U.S.C. § 102

Claims 1 and 4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Dehlke (U.S. Pat. No. 6,042,313) or Alvi et al. (U.S. Pat. No. 3,977,229). This rejection is respectfully traversed.

It is initially noted Claim 1 has been amended to recite in part:

“said protrusion defining a plurality of protrusion members each having one of a triangle shape and a diamond shape, each member substantially equidistantly spaced from a proximate one of the members.”

Support for this amendment is provided in Figures 4A, 4B, 5A and 5B.

It is also initially noted Claim 4 has been amended herein to recite in part:

“a jaw provided inside said housing movable with respect to said housing and adapted to engage with and hold a shank of said mandrel;
a nosepiece adapted to be attached to a front end of said housing and to engage with a flange of said rivet, said nosepiece having a protrusion; and
said protrusion including a plurality of protrusion members each having one of a triangle shape and a diamond shape, said members operable to create a plurality of recesses in the flange, each member substantially equidistantly spaced from a proximate one of the members;
wherein said protrusion of said nosepiece is adapted to bite into said flange of said rivet to form said recesses in said flange and thereby partially peel a coating of said workpieces, resulting in electrical conductivity between said workpieces and said rivet being established.”

Support for this amendment is provided in Figures 4A, 4B, 5A, 5B and 7.

The Examiner refers to Figures 14 and 15 of Dehlke. Dehlke discloses “In contrast to the level mouthpiece 23 in accordance with FIGS. 2-6, 12 and 13, the mouthpiece 23a shown in FIG. 14 possesses a concave curvature. The arching of the mouthpiece 23a is more sharply curved than the set-head end 11.” See column 9, lines 12-16. Dehlke further discloses “the mouthpiece 23a only impacts the set-head end 11 in the region of a narrow, annular support surface A”. See column 9, lines 17-20. The mouthpiece 23a is therefore annular with a concave curvature and does not disclose the limitation of Applicant’s Claims 1 or 4 of said protrusion defining a plurality of protrusion members each having one of a triangle shape and a diamond shape.

With respect to Figure 15, Dehlke further discloses with respect to mouthpiece 23b, “an adapter mouthpiece 23b having a concave arch on its side facing the set-head 4 is placed on a flat mouthpiece 23 in accordance with FIGS. 2-6, 12 and 13.” See column 9, lines 22-25. In contrast to Applicant, Dehlke therefore also defines mouthpiece 23b as having an annular support surface which does not disclose the limitation of Claims 1 or 4 of said protrusion defining a plurality of protrusion members each having one of a triangle shape and a diamond shape.

In contrast to Applicant, Alvi et al. discloses an anvil having “a radially projecting flange 12 which has a flat, annular front face 13 which constitutes an abutment face for abutting the shell of a rivet to be placed. Between the aperture 11 and the abutment face 13 is provided an annular rim 14 which extends forwardly from the abutment face and also extends peripherally around the aperture 11. The rim has an annular front end face 16 which is frusto-conical and is inclined rear-wardly and outwardly at an angle of

20° to the abutment face 13.” See column 2, lines 23-32. Alvi et al. therefore does not disclose the limitation of Claims 1 or 4 of said protrusion defining a plurality of protrusion members each having one of a triangle shape and a diamond shape.

Neither of the references of Dehlke or Alvi et al. can therefore anticipate amended Claims 1 or 4. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 102(b) rejection of Claims 1 and 4.

REJECTION UNDER 35 U.S.C. § 103

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Dehlke (U.S. Pat. No. 6,042,313) or Alvi et al. (U.S. Pat. No. 3,977,229). This rejection is respectfully traversed.

It is initially noted Claim 2 has been amended herein to recite in part:

“a coating of one of said workpieces on a workpiece side contacting said flange being partially peeled due to contact with said flange proximate said recess, whereby said one workpiece and said rivet define an electrically conductive junction relative to one another.”

Support for this amendment is found in paragraphs [0023] and [0031] of the specification and Figure 7.

Neither of the references of Dehlke or Alvi et al. individually or in combination teach or suggest a coating for a workpiece. Further, neither of the references of Dehlke or Alvi et al. individually or in combination teach or suggest the coating of one of said workpieces on a workpiece side contacting said flange being partially peeled due to

contact with said flange proximate said recess, whereby said one workpiece and said rivet define an electrically conductive junction relative to one another.

The suggested modification of Dehlke and the suggested modification of Alvi et al. therefore cannot render amended Claim 2 obvious. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 103(a) rejection of Claim 2.

ALLOWABLE SUBJECT MATTER

The Examiner states that Claim 3 is allowed. Applicant wishes to thank the Examiner for indication of allowed subject matter.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: OCTOBER 19, 2005

By: 
Thomas J. Krul, Reg. No. 46,842

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

TJK/mmk